

## CHURCH DEBATE ON DIVORCE.

## DIVORCE VIEWS ON PROPOSED ANTI-REMARriage CANON.

The Minority Report Withdrawn in the Episcopal House of Deputies and the question now relates to the Remarriage of the Innocent Party.

Boston, Oct. 13.—Debate on the proposed canon forbidding the remarriage of divorced persons began the first thing to-day at the session of the House of Deputies of the Episcopal General Convention in Emmanuel Church, and it will be discussed again tomorrow. The first thing done was the withdrawal by the Rev. J. Lewis Marks of the minority report on the new canon.

The effect of this, Mr. Marks said, was to make the issue upon the second section of the majority report, which is:

No minister shall solemnize a marriage between any two persons unless by inquiry he shall have satisfied himself that neither person has been or is the husband or wife of any other person then living from whom he or she has been divorced for any cause arising after marriage.

Francis A. Lewis of Philadelphia disapproved entirely of the Episcopal Church solemnizing any marriages of divorced persons. He said there is no earthly way of discovering whether one of the parties is or is not innocent. In his judgment ninety-nine out of every one hundred divorced persons remarried to-day are guilty, though posing as innocent.

The Rev. H. H. Oberly of Elizabeth, N. J., said there was no permission in the proposed new canon for the remarriage of a divorced person. He attacked the existing canon, declaring that if it were to remain the marriage service should be changed to agree with it. The proposed reform also was opposed by R. E. Drown of San Francisco. He did not think the proposed change would eradicate the divorce evil.

The Rev. George C. Dall of Delaware entered upon a dissertation as to the degrading conditions that prevailed in the days of Rome, and said that he believed that in spite of churches and schools we are descending into a low moral state; in fact, he pictured such a state of affairs as to indicate that he was no optimist. Of statistics he quoted many to show the prevalence of divorce, and cited some notorious instances of the remarriage of divorced persons. Among the negroes, even, he affirmed, divorce had increased 120 per cent. in ten years.

The Rev. Carl E. Grammer, D. D., of Norfolk, Va., championed the innocent party in cases of remarriage. He thought that conditions as laid down in the prayer book should be adhered to, that if an attempt is made to change the canon the authority of the Church is weakened.

John Y. Kiehl of Little Rock, Ark., said one would think from the remarks heard that the Episcopal Church was responsible for all the remarriages of divorced persons in the country. He already the Church in advance of other denominations on this question, he said, and any radical legislation will not advance the position of the Church one particle. He thought the attention of the convention should be focused more on the gentle, merciful side of the question, and that the innocent man or woman should be allowed the privilege of remarriage. The present canon, he said, is quite good enough.

The Rev. Wallace Gurnham of San Antonio, Tex., had much to say as to the cause of divorce. Wilhelm Mynderse of Brooklyn argued that the whole question was one of substance, not phrasology. If the new canon is adopted, the Church will be led into new territories never before ventured upon by any denomination. The Church, he said, has a work to do, but it cannot be done by canon. The Church can exhort, it can teach; the actual work looking to lessening the evil must be effected by the legislation of such bodies as have the power to execute the law.

George Wharton Pepper of Philadelphia spoke in the interests of Christian training of children. He wished to be able to go home and say that the Church has done nothing whatever to do with the question of divorce. He emphatically opposed any legislation on the part of the Church.

Archibald T. A. De Haven of Springfield, Ill., spoke for the preservation of the family. Thus far, he said, the majority report is the best, and he wished to meet the evil. If the canon is not changed, he said, the newspapers will scatter broadcast the fact that the Church is unwilling to take measures to safeguard the law already in force. He believed the chastened, sober conscience of the American people should be uplifted. The proposed canon was not radical, but sober, moderate, and sane.

In the opinion of Rev. S. Scollay Moore, the actual work of the convention should be to bring pressure upon the civil authorities to regulate better the divorce law. So far as the proposed canon is concerned, he said, it has to do only with remarriage. He believed the new canon would result in a great lack of practice.

The Church aims to have some influence with State Legislatures, Rathbone Gardner of Providence said. So far as the attitude of the Church is concerned, he said, it forbids the remarriage of guilty parties, but practice allows it, to which many of the delegates murmured. As for the innocent party, it is a difficult question, that of pronouncing judgment. In the new canon, there is an acquired safety where there is none.

The Rev. Alfred Harding of Washington held that the new canon would enable the Church to fulfill her offices as a teacher. But at the present time the Church does one thing in the Prayer Book and another in the canons. The two cannot be reconciled. The Church should stand for no marriage of divorced persons.

**MAY RAISE FARE ISSUE.**  
Southern Delegate Fears Trouble for Episcopians in Richmond in 1907.

Boston, Oct. 13.—A well known Southern delegate to the Episcopal convention, who refused later to allow the use of his name, intimates that the Richmond convention of 1907 will precipitate another race issue worse than the Booker Washington dinner. This delegate said:

"The people of Richmond will never willingly consent to or condone any attempt to treat any man with a black skin as an equal or an associate of white people, except as a servant. An attempt to repeat the Booker Washington dinner in Richmond would, I believe, bring forth a crowd of people—and not of the baser sort, wholly who would stone the windows and drive the diners into the streets. This, certainly, and perhaps graver results might follow."

In reply to a question whether any such talk could apply to the General Convention of 1907, the delegate said, with some warmth:

"To that or any other occasion, I take it for granted that in 1907 the colored men will either stay away or come with the full intention of complying with the customs of the place, restricting negroes to their proper place."

Asked whether sentiment in Richmond like Bishop Ferguson of Liberia, the delegate said:

"Not for a minute, if by a reception you mean such social functions as we have been having here I doubt whether a dozen ladies of any social standing could be found in all Richmond to attend a reception to a colored man. But if they were willing, the public sentiment of the whole city would not allow it."

Uncle Sam Won't Help Bob Ammon.  
In a brief opinion Judge Lacombe yesterday dismissed the writ of habeas corpus upon which Bob Ammon sought to be released from Sing Sing on the ground that he was sentenced under an ex post facto law. Judge Lacombe suggested a writ of error in the State courts.

## LIVE TOPICS ABOUT TOWN.

## ONE OF THE YOUNG WOMEN ACQUAINTED TO THE GAYETTES OF NEW YORK.

Life was not very gay there, but she was able to take a philosophical view of the change, as she showed, when a friend asked her what attractions the place had. "It is quiet, to be sure," she said, "but there is a certain satisfaction in merely being in a place where there are five hundred men who can't possibly get away."

Poor old Forty-second street was no sooner restored to its former condition of order and level than it was suddenly beset by half its trolleys. The change in the Boulevard and Broadway line removed from Forty-second street the cars which formerly constituted its service. Now a car passes at rare intervals, compared with the old-time frequency, and at each corner irate groups, certain that they have missed their trains at the Grand Central Station, are taken aback always in a crowd. The hansom drivers at Broadway have no reason to complain of the change. They pick up many a discouraged fare, compelled to take a cab at the last minute or lose a train.

One of the many odd characters who ride regularly on the elevated trains is a good looking old man whose elevated guide have dubbed "Bluebeard" from the fact that his beard is dyed a bluish black, although his hair remains white. He wears a frock coat and gray trousers which have seen better days, but still lead an air of gentility to the wearer. His shoes are always polished and his hat neatly brushed.

What attracts attention to the old man is his habit of collecting abandoned newspapers and his manner of doing so. Whenever he finds a paper he looks furtively around, and when he thinks no one is watching him he picks it up and thrusts it under the long coat. This manœuvre is repeated until he is portly with newspapers. When he can get no more under his coat he leaves the train and takes a walk, not sure whether he is a half-demented creature with a hobby or a newsdealer seeking to acquire a stock at small expense.

The Chief of the New York Fire Department has a glittering white official helmet for fire, so that his subordinates may know instantly that orders coming from the man with that helmet are authoritative. Chief Croker, however, prefers a disreputable brown felt hat, with a high, uncrushed crown and a brim bent any old way. The distinctive outline of this peculiar headgear, even when seen through the smoky glare of a night fire, point out the Chief even amidst the confusion of the helmet for the battalion chiefs wear white helmets, too.

It is only at very big fires where Croker lends to plunger in the thick of the fight and needs the protection of the helmet that he dons the official headpiece. His estimate of the condition of a fire and of the time when the water will be turned on may be inferred from whether he puts on the helmet and when he takes it off again. He does this last at the earliest possible opportunity.

Orthodox Jewish rabbis are complaining that more and more East Side stores owned by Hebrews are kept open on Saturdays. Many of the shopkeepers who break the religious rules in this manner save their conscience by handing neither goods nor money—especially money. The customer enters, makes his own selection, finds the price marked on the article and, under the eye of the proprietor, puts the goods on a pile on the counter, making change for himself. When sunset brings the end of the Sabbath the shopkeeper takes his pile into the cash drawer.

One of the oldest restaurants in town is one at the end of Lenox avenue, run by an old man in three disused horse cars. He has a kitchen and the other two are dining rooms. The place is patronized chiefly by conductors and motormen, for whom it is conveniently situated at the end of a trip from downtown.

**"PARISIAN" FOR ONE AUDITOR.**  
Col. Savage to Have a Special Performance of the Opera in English To-day.

The first performance of Wagner's "Parsifal" in English will be given to-day under unusual circumstances. It was to have taken place in Boston on Monday night, but yesterday morning Henry W. Savage decided that he wanted to hear the opera just as it will be sung at the New York Theatre here when the local season begins. For the last two weeks the company has been rehearsing under the direction of the theatre, which Col. Savage rented for the purpose. On Saturday the entire organization will go to Boston.

"The Old Homestead" is playing at the New York and has an elaborate scenic outfit, so the difficulty of putting "Parsifal" into the theatre for one performance seemed almost insurmountable, but Mr. Savage offered to put the scene hands of his theatre at Mr. Savage's disposal, so the plan of giving the opera for one performance was made possible.

At 6 o'clock last night the scenery and costumes of "The Old Homestead" were taken out of the theatre, and by 10 o'clock there was no more trace of the production than if the play had been taken permanently out of town. Then the work of transferring the scenery and costumes of "Parsifal" to the theatre of the Murray Hill began and lasted until morning.

The single spectator of the opera to-day will be Col. Savage. The noble ship will be admitted. Walter Rothwell will conduct the opera, and the cast will be as follows: Parsifal, Aloys Penzance; Kundry, Mme. Kirkby; Lohengrin, John Johnson; Siegfried, Horner Land; Titurel, Robert Parker.

The performance will begin at 10 o'clock and continue until 5. The scenery and costumes will be transferred to a special train after the performance, and the company will start on Saturday morning. "The Old Homestead" will be put in place.

**MAY STOP THE HIPPODROME.**  
Court Acts on an Allegation That Plans Have Not Been Filed.

On the application of Corporation Counsel Delany, Supreme Court Justice Leventritt signed an order yesterday directing the New York Hippodrome Company to show cause to-day why the further building of the Hippodrome at Forty-fourth street and Sixth avenue shall not be enjoined.

Superintendent of Buildings Isaac A. Hopper alleges that the plans and specifications were not filed with his department, as the law requires, and that the pillars on which the structure is to rest are not imbedded in proper foundations. Mr. Hopper says he notes that the company that the work would have to stop, and the order was disregarded.

Frank Thompson of Thompson & Dundy, who control the Hippodrome, is the manager of the Hippodrome corporation. Jay M. Morgan is the architect.

**PUBLICATIONS.**  
The most entertaining reminiscences in years. Memoirs of "Mrs. Clay of Alabama," put into narrative form by Ada Sterling.

**Country Life in America.**  
DOUBLEDAY, PAGE & COMPANY, 133-137 East 16th Street, New York.

## JURY DID THE BEST IT COULD.

## BUT COURT SET ASIDE FINDING AGAINST MRS. MOWBRAY.

Judge Had Directed the Twelve to Find That She Was Not Guilty of Misconduct With Rickard and It Did and Then Threw in an Opinion to the Contrary.

A conflict of opinion, resulting in the prompt setting aside of a verdict, occurred yesterday between Supreme Court Justice Scott and the jury which, with him, had listened to the trial of Susan Townsend Mowbray for a separation from Samuel H. Mowbray. Mrs. Mowbray is a daughter of William Townsend.

Mowbray replied to his wife's allegations of cruelty and desertion with a counter suit for divorce on the ground that she had committed adultery with Arthur Rickard at her home on Jan. 6, 1904, while Mowbray was hiding under a bed. But no evidence was adduced at the trial to corroborate such a charge, so Justice Scott, after the summing up, directed the jury to answer "No" to this question:

"Did Grace Townsend Mowbray commit adultery with Arthur Rickard on Jan. 6, 1904, at her home, or at any other time or place?"

Some other questions of a like nature were similarly answered by direction of the Court. Justice Scott also directed the jury to answer "Yes" to this question: "Did the defendant on or about Jan. 6, 1904, abandon the plaintiff and expel her from his home, and has she since failed to return to her?"

There remained one question to be answered by the jury, which had obeyed the Court's direction so far, and Justice Scott ordered them to return and bring in an answer on their own hook to the query:

"Was the plaintiff (Mrs. Mowbray) guilty of misconduct which justified the defendant in abandoning her and refusing and neglecting to provide for her?"

What happened in the jury room is known to none save the twelve. But it was remembered afterward that Mowbray had testified that he had seen Mrs. Mowbray sitting on Arthur Rickard's lap kissing him, whereupon Mowbray crawled out from under the bed and chased Rickard out of the house, hatless and coatless. The majority of the jury, it was also remembered, was composed of staid married men, who seemed shocked at such testimony, though both Mrs. Mowbray and Rickard denied it.

At an early stage the jury fell back into court, the foreman had written "Yes" under the last question, and the twelve good men and true had signed the paper as their verdict.

Justice Scott looked astonished, and had the answer handed to him so that he might see it for himself. Then, on the motion of Mrs. Mowbray's lawyer, the jury was set aside and ordered a new trial of the whole action on Oct. 24.

The jury filed out then, glancing meaningfully at one another. As they passed out of the court house they were busy nudging and whispering, amid suppressed giggles, while one was heard to exclaim: "Well, we did the best we could anyway."

**WATERMELONS GAVE HER A CLUE.**  
Publication of Martin's Skill in Raising Them Caused His Arrest for Bigamy.

GREENWICH, Conn., Oct. 13.—Thomas Martin, a Scotchman of 70 years, is in the Greenwich lockup on the charge of bigamy. He says that he thought his first wife, Jane, whom he married in Scotland twenty-five years ago, was dead, and six years ago he married a Sayville, L. L. widow, with several children.

The first Mrs. Martin confronted him to-day in the office of Prosecuting Attorney James F. Walsh. When locked up and told that he would have to give up living with the second Mrs. Martin, he said that he would leave her. Martin is superintendent of the estate of W. I. Washburn, a New York lawyer. The first Mrs. Martin says that in twenty-three years she has seen her husband only once, and that was on a boatload stand in New York, and he then ran away. She was led to his whereabouts by reading a month ago of the enormously large watermelons which he raised on the Washburn place, and which he caused to be published.

Mrs. Martin says she wants to celebrate her silver wedding on Nov. 18, and cannot unless her husband is restored to her.

**THOUGHTSON WOMAN THROWN IN.**  
250 Pound Cook Convicted of Stealing 200 Pound Sweetheart's Valuables.

Mrs. Annie Levy, 250 pounds and a widow, appeared before Recorder Goff in General Sessions yesterday as complainant against Ignatz Kraus, a 250 pound cook, formerly her sweetheart. She accused him of stealing from her a gold watch, chain, two diamond rings and \$20. Summing up for Kraus, Lawyer Feldman said among other things:

"A woman's heart is like brittle glass and you must engrave your name on it with diamonds. Also: 'A woman's love is like the measles; the older she gets the worse she has it.'"

The real reason, the lawyer said, for Mrs. Levy having Kraus arrested was because he had told her she wasn't his style and he wouldn't marry her. The Recorder said that the jury would have to take that into consideration, adding: "Hell hath no fury like a woman scorned."

"Guilty!" said the jury in thirty minutes.

**BOGS' ELEVATED TICKETS.**  
Man Charged With Dropping One in Box—They Are Hard to Get.

William C. Holland of 2074 Eighth avenue was arrested in Jefferson Market police court, yesterday, on a charge of dropping a spurious ticket into the box at the uptown station of the Sixth avenue elevated railroad at Fourteenth street. Detective Beaky says he saw him drop it. After his arrest, according to the detective's story, Holland admitted that he had used twenty-five similar tickets, which, he said, he had bought in a saloon for two and half cents each. Magistrate Mayo held him for examination to-day in \$1,000 bail.

The counterfeit tickets are alike on both sides, the engraving on the back of a genuine ticket having been cleverly reproduced. They are hard to detect. A number have been found in the boxes lately. They are the first fake tickets that have appeared in two years.

**Thirteen Club's 237th Dinner.**  
The 237th regular dinner of the Thirteen Club of New York was held last night at Stapleton, Staten Island. About 200 were present. Chief Ruler Michael Langdon, one of the tax collectors of the Borough of Richmond, presided. The souvenirs were beer mugs ornamented with skulls and crossbones. Among those present were Frederick B. Houston, S. F. Hough, Dr. L. A. Cheney, Thomas Kenny, Jr., Philip Wolf, Thomas Garrett and John J. Kenny.

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